

#MeToo

A journey towards a harassment-free workplace

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With thanks to the following organisations



Introduction

On 15 October 2017, an American actress, Alyssa Milano, tweeted: “If you’ve been sexually harassed or assaulted write ‘me too’ as a reply to this tweet”.

Everyone knows what happened next. The Twitter message went viral and triggered one of the largest contemporary movements against abuse of power, assault and harassment. This social movement is continuous and ongoing, digital and global, uniting and encouraging thousands of women and men to speak out and act against sexual harassment and assault.

The problem of sexual harassment and misconduct in the workplace is complex and needs to be tackled from many different directions. The objective of this guide is to discuss various perspectives to halting the abuse of power, sexual assault and harassment, improve accountability for breaches, and empower people with new knowledge, ideas, ways to seek help and support, join campaigns and calls to action.

Part 1: ANALYSIS

How the #MeToo movement holds organisations and individuals accountable for the abuse of power in the workplace

By Galina Goncharenko

Dr Goncharenko commenced a research project in November 2018 that aimed to understand how the #MeToo movement transformed the public perception of accountability for abuse of power in the workplace and caused the development of new social and regulatory mechanisms to hold organisations and individuals to account.

The study also explored the role of digitalisation and the use of online social media and networking platforms in the rapid expansion and empowerment of the #MeToo movement. The virtual settings that the movement utilised enabled various groups of informants to share and spread information, engage in a discursive debate and freely express their opinions.

The #MeToo movement advocates changes to the laws, policies and regulations surrounding sexual harassment and assault, for example, instituting protocols that give victims the ability to file complaints and report predatory behaviour without retaliation, as well as the elimination of non-disclosure agreements¹. The regulatory bodies stress that the reports and investigations of misconduct should be treated proactively and robustly, with feedback to victims, survivors and the general public.

The practical steps recommended to be undertaken by organisations include the recognition of inappropriate behaviour, the declaration of a zero-tolerance culture on sexual misconduct and acknowledgement of male domination and the need to increase the presence of female leadership. Furthermore, some organisations have taken action to simplify and anonymise the reporting of sexual abuse and violence and introduce preventive measures.

In order to develop more effective mechanisms of accountability for the abuse of power and sexual misconduct, we need to deepen our understanding of the nature of sexual harassment and identify all types of inappropriate behaviour that should be no longer tolerated in the workplace. For instance, according to the survey undertaken in the UN in 2018², every third UN member of staff reported various types of sexual harassment.

¹ Non-disclosure agreements or confidentiality clauses are agreements between at least two parties which aim to restrict or prohibit information disclosures to third parties. Response to the Government consultation on Confidentiality Clauses (July 2019) states that “[Even though], confidentiality clauses serve a useful and legitimate purpose in the employment context...a number of cases have come to light where employers have used confidentiality clauses to prevent victims of workplace harassment or discrimination from speaking out”.

² <https://www.timesnownews.com/international/article/metoo-at-un-1-in-3-staff-reports-sexual-harassment/348298>

More specifically, 21.7% of respondents had experienced being subjected to sexual stories or jokes; 14.2% reported offensive remarks about their appearance, body or activities; 13% revealed suffering from unwelcome attempts to draw them into a discussion on sexual matters; more than 10% reported experiencing gestures or use of body language of a sexual nature and touching that made them feel uncomfortable and 1.4% of respondents reported attempted or actual sexual assault.

The research project “#MeToo: how the social movement holds organisations and individuals accountable for the abuse of power in the workplace” names threats of facing public stigma, reputational damage and operational collapse among the reasons why the cases of power abuse and sexual misconduct in the workplace tended to be hidden, including by the utilisation of non-disclosure agreements. The project reports the catalytic role of the #MeToo movement in disclosing and reassessing the cases of abuse, assault and harassment. As the practice of concealing sexual misconduct was no longer tolerated under the continuous media and social attention of the movement, both strategic and intellectual (ethical) approaches to accountability have been undertaken by many organisations and regulators.

The project reveals that the #MeToo movement affected the accountability for abuse of power in several dimensions. First, the movement empowered demands for accountability by providing substantial evidence and promoting calls to accountability as part of the solution for sexual harassment. Second, the movement defined a new stream of behavioural actions for organisations and their members of staff in order to be accountable and signalled that society will no longer tolerate a culture of impunity and deliberate blindness. And lastly, the movement strengthened the need for downwards accountability and encouraged different groups of stakeholders (experts, professionals, media, and social activists) to synergise their efforts and accountability demands and represent those who are usually considered as voiceless and powerless – the victims of abuse.

In addition, the study demonstrated how the #MeToo movement and the access to online media and platforms provided visibility and continuous scrutiny to the cases of sexual harassment under the spotlight of the press and social media. This visibility stimulated the development of organisational and individual self-accountability and self-assessment in a more reflective and intellectual manner over the moral (ethical) problematics of achieving safety in working environments. It also articulated possible ways to address the crisis of trust faced at sectoral and organisational levels by proposing solutions at an individual level in the form of self-reflection on the accountability and responsibility of individuals.

Part 2: CALLS TO ACTION

#OverToYou - Survivors' Network

By Caitlin McCullough

Looking to turn the #MeToo movement into further palpable change, Survivors' Network has created a **Kitemark** for local businesses and organisations to demonstrate the active work they are undertaking to challenge sexual harassment and violence in the workplace.

To receive the Kitemark, businesses and organisations are expected to sign a pledge against work-related sexual harassment and demonstrate that their staff have received appropriate training. There is a small charge for the Kitemark to cover admin costs. Survivors' Network runs training for staff, managers and HR professionals to aid organisation to qualify for the Kitemark.

These are our expectations of workplaces to achieve the #OverToYou Kitemark:

- maintain a healthy and respectful environment;
- not tolerate any form of sexual harassment or violence;
- immediately and respectfully respond to every claim of sexual harassment (and train your staff to do so);
- maintain a sexual harassment/sexual violence policy;
- regularly discuss protocol for reporting with all employees.

This a prime opportunity for East Sussex County's businesses and organisations to step up to the plate and make a public statement regarding how they will respond to this issue, be it through an assessment of HR policies or through actively engaging staff in training around sexual violence and first disclosure. Organisations may also have their own ideas on how to confront this cultural shift that is occurring.

Survivors' Network launched the Kitemark to create a simple process for businesses to respond positively to the #MeToo Movement. Businesses that meet the five points of the pledge are granted use of the Survivors' Network Kitemark, stating that a business takes sexual harassment seriously.

Survivors' Network also publicly records the names of all businesses that receive the Kitemark as a celebration of the forward-thinking and awareness or organisations who are committed to challenging sexual harassment.

HeForShe – Sussex Police

By Louise Crawford

HeForShe invites people around the world to stand in solidarity with women to create a bold, visible and united force for gender equality. Since it was launched by UN Women in 2014, millions of men from around the world, including Heads of State, CEOs and global leaders have committed to gender equality.

On International Women's Day in 2017, Sussex Police became the world's first police service to be named **HeForShe** Thematic Champions. Chief Constable Giles York made clear commitments to address gender imbalances at senior leadership level, to tackle domestic and sexual abuse and to deliver a national sign up to **HeForShe** for UK policing. This last commitment was met on International Women's Day in 2019 when all UK police forces were confirmed as having made their own commitments to **HeForShe**.

All UK police forces have committed to addressing gender imbalances within senior leadership and tackling domestic and sexual abuse. Forces are undertaking a wide range of activities to meet their commitments and progress made so far will be celebrated in the first annual report for gender equality in policing being launched on **the 20th November 2019**. This report will form a toolkit for all police forces in how to make progress in the area of gender equality.

One example of such work is a cultural change workshop that is being rolled out across Sussex Police. This workshop lasts an hour and is aimed at all officers and staff. The workshop looks at gender equality within policing e.g. the number of female officers and staff at each rank/grade, potential barriers to progression and how female officers are treated in the media compared to their male colleagues. The workshop then explores how gender inequality impacts the community we serve and how an abuse of power by men can lead to women becoming victims of crime. Finally, the workshop considers the benefits of gender equality for everyone.

In 2019, Sussex Police ran **an anti-harassment campaign** internally with all police forces. The key message was **'Knowing the Line'** and promoting the eradication of outdated and unacceptable behaviour. Sussex Police uses an anonymous reporting tool called **'Break the Silence'**, a bespoke portal where anonymous messages can be left for the Professional Standards Department (PSD). The portal allows staff to communicate with the PSD and to provide further information regarding any concern without revealing personal details.

Legal Campaign to Prevent Sexual Harassment in the Workplace - Martin Searle Solicitors

By Fiona Martin

The Employment Law team at Martin Searle Solicitors is launching a campaign **this November** to help prevent sexual harassment in the workplace. This includes **a free telephone advice line for employers and employees** concerned about inappropriate conduct in the workplace which could constitute sexual harassment.

A 2016 study carried out by the Trades Union Congress (TUC) found that over half of women had been sexually harassed at work, but 79% of women felt they were not able to report these incidents to their employers. A quarter of victims felt that they would not be taken seriously when reporting incidents of sexual harassment, and 15% thought that doing so would have a negative impact on their career prospects.

Although women are significantly more likely to experience sexual harassment in the workplace, approximately 1 in 5 men have also experienced some form of unwanted sexual conduct at work. An alliance of unions, charities and women's rights groups, including the Fawcett Society and Amnesty International, have launched a joint campaign calling for new legislation that would legally require employers to take proactive measures to prevent sexual harassment in the workplace.

Currently it is left to the victims to report sexual harassment at work, and there is no legal obligation for employers to take action to prevent it from happening.

The Equalities and Human Rights Commission (EHRC) has just completed a consultation on sexual harassment in the workplace to investigate whether the current laws on protecting people from sexual harassment are effective.

It is important that employers encourage employees and workers to come forward, whilst discouraging this type of behaviour. Speaking out about sexual harassment is difficult with much at stake for the complainant, including reputation, career prospects and the fear of dismissal. A thorough investigation is crucial as those accused must also be in a position to know the detail of the allegations in order to be able to defend themselves.

Throughout November, on Tuesdays and Thursdays between 4pm to 6pm, Martin Searle Solicitors will provide free legal advice that will help employees understand their rights around sexual harassment, and provide advice to employers on creating a working environment where all employees feel safe and are supported by their employer. Call 01273 609911 to speak to our employment law specialists.

To support their campaign, Martin Searle Solicitors are producing a series of factsheets,

case studies and FAQs for employers and employees covering sexual harassment in the workplace, which can be found on their website (<http://www.ms-solicitors.co.uk>).

For more details, employers can visit <http://www.ms-solicitors.co.uk/employer/avoiding-sexual-harassment-in-your-workplace/>

For more details, employees can visit <http://www.ms-solicitors.co.uk/employee/sexual-harassment/>

Tackling sexual harassment in the workplace across the UK and driving long-term cultural change

By Lucie Parker

The Fawcett Society is the UK's leading membership charity campaigning for gender equality and women's rights at work, at home, and in public life. Our vision is a society in which women and girls in all their diversity are equal and truly free to fulfil their potential creating a stronger, happier, better future for us all.

Preventing sexual harassment is a vital component of Fawcett's mission, and we have long campaigned for the Government for strengthen sexual harassment laws. In 2018, Fawcett published the Sex Discrimination Law Review into whether equality law in the UK is fit for purpose. This landmark review called for vital legal changes in early 2018, including the introduction of a new requirement on employers to take steps to prevent discrimination and harassment in their workplaces, and to set out those steps publicly.

In February 2019, we published our report on Sexual Harassment in Parliament: Protecting MPs, peers, volunteers and staff, which demonstrated how glaring gaps in legislation leave Parliament 'above the law' on sexual harassment. In June 2019, we joined forces with a number of other unions, charities and women's rights groups as part of the This is Not Working Alliance, which launched a petition calling for a new law to make lawyers prevent sexual harassment in their workplaces. In October 2019, Fawcett submitted to the Government's consultation on Sexual Harassment in the Workplace. To help shape our consultation response, we engaged with women across different sectors through an online call for evidence, to hear from individuals who had experienced sexual harassment in the workplace. Fawcett also runs the All-Party Parliamentary Group (APPG) on Sex Equality, a cross-party group of MPs and peers, and provides a forum for discussing sex equality and associated issues.

Fawcett has recently received a Justice and Equality Fund grant from Rosa and TIMES UP UK, in partnership with Chwarae Teg and the Women's Resource and Development Agency, to deliver a two-year project looking at tackling sexual harassment in the workplace across the UK and driving long-term cultural change. The project will review best practice in responding to sexual harassment at work, and ideas around independent reporting mechanisms. We will research how employers, managers and women view current experiences in conversation with this evidence. We will then create employer-focussed resources to promote a proactive, responsive culture, and promote them supported by a public- and employer-facing campaign.

Part 3: PSYCHOLOGICAL SAFETY & TECHNOLOGICAL SOLUTIONS

A Technological, but Human-first Solution -

Vault Platform

By Neta Meidav

Vault Platform was founded in the wake of the #MeToo movement and co-founder Neta Meidav's own experience of workplace harassment. Designed to support a culture of trust, accountability and safety in the workplace, Vault is defining a category of HR Tech known as "TrustTech."

When misconduct goes unreported, as in over 75% of cases, the costs to a business are high, impacting culture, employee attraction and retention, productivity and ultimately, a company's value, share price and competitive advantage. Vault was created to empower employees to speak up when they encounter misconduct, from harassment, bullying and discrimination, through to fraud, corruption and theft, mitigating such risks for a business. In 2019, the company raised a \$4.2 million Seed round, being used to scale and expand Vault's presence in North America and Europe.

Vault developed a technological, but human-first solution, putting employees at the core. Employers gain an end-to-end platform, consisting of the employee app, corporate case management hub and data analytics. Vault's approach supports cultures of trust and diversity whilst driving out harmful workplace behaviours, mitigating significant financial, reputational, and resource-related risks to an organisation.

The app is a secure, confidential space for employees to create irrefutable accounts of the misconduct they encounter. With a credible record of events, employees are empowered to come forward directly, anonymously or using GoTogether™, enabling individuals to submit their complaint on the condition they aren't the only one to do so. Reports are sent straight to the Resolution Hub, where Vault bridges the communication gap between an organisation and its people, getting to a resolution quickly before the issue escalates. Powerful analytics give enterprises invaluable insights into the culture, health, and resilience of their people, supporting data-driven strategic decisions around training and mitigation efforts to stop misconduct in its tracks.

Despite only being in-market for several months, Vault already has customers from a wide range of industries, including technology, media, entertainment and sports. Misconduct is present

everywhere and Vault's technology is sector agnostic. At least one-third of women have been sexually harassed in the workplace and around one-third of all people are bullied during their career. If you start looking at other metrics for misconduct, such as racism and exclusion, unethical behaviour, even fraud, the number of people experiencing or witnessing some kind of workplace misconduct is staggering, affecting every company in some way.

Early learning shows that with GoTogether™, women are eight times more likely to come forward than without Vault in place and, depending on the company, we are saving 3-6 months or longer in the investigation process.

According to the Institute of Business Ethics (IBE), speak up arrangements are an essential element of good governance, acting as an early warning system for potential risks. This is where Vault comes in: from day one, signalling to employees that they work in a safe place and are empowered to speak up. This has a meaningful impact on culture, trust and inclusion, which is ultimately good for business and good for employees everywhere.

Diversity and psychological safety are the drivers of innovation

By Matthew Bellringer

Psychological safety is the knowledge that you are not at risk from your immediate social environment. It is the sense that you are valued and trusted. The knowledge that if you fail you will not become an outcast. It is the absence of harassment or bullying.

Genuine diversity can be a difficult thing to create in teams. We intuitively seek similarity. We avoid the criticism that comes from a different viewpoint even if it makes us better. The prevailing culture in a team has an overwhelming effect on who joins and who stays. A culture that is not welcoming of difference will lack diversity. The team will not be able to cope well with change.

It is the productive resolution of differences which moves the team forward. This kind of "good conflict" is one of the major benefits of diversity. However, it is only a positive if people feel safe enough to disagree well, and in productive ways. One side must feel safe to speak up. The other side must feel safe to alter their position. Only then does diversity have its positive effect.

Like most forms of safety, psychological safety is most obvious in its absence. When unsafe, people are fearful. A team which lacks psychological safety develops chronic fear. This has significant negative effects.

In *The psychology of fear in organisations* (2015), Sheila Keegan describes its negative effects. Fear affects individual psychology. Thinking narrows when people feel unsafe. Instead of thinking in creative ways people jump to simple, short-term solutions. These solutions are sub-optimal. Worse, chronic fear causes people to disengage. They withdraw from what's going on around them. Gallup's *State of the global workplace 2017* report found that only 15% of staff were fully engaged in the workplace.

A lack of psychological safety also affects group dynamics. Fear within an organisation creates a culture of bullying and mistrust. It also encourages conformity within social groups. These two situations combined are the ideal breeding ground for harassment and discrimination.

When people lack psychological safety they experience fear. That fear prevents them from effectively responding to change. People must be able to speak up and be heard in order for innovation to take place. They must know that they can fail and still be accepted as a valued member of the team. Innovation necessarily requires a step into the unknown. Without psychological safety, that step cannot be taken.

In *The knowing-doing gap* (2000), Jeffery Pfeffer and Robert Sutton detail how fear prevents acting on knowledge. Staff are afraid to speak up for fear of punishment. They are afraid to make new suggestions for fear of being wrong. Despite people in the organisation knowing how to solve problems, fear prevents them.

At its root, psychological safety is the experience of knowing that you can be a real, unique, fallible human. That your different ways of thinking and being are valued, not punished. Until we feel that, we're always going to seek safety, regardless of the long-term cost. You can only truly innovate - do something genuinely novel - by trial and error. Many organisations, in seeking to minimise error, minimise their ability to innovate.

The only way to meet the needs of a changing business environment is to create diverse, psychologically safe organisation. Lead by example. Be consistent. Build trust over time. Be transparent. Remember that an organisation is only as strong as the relationships within it.

Innovation requires boundaries to be transcended. There are many ways to create a successful organisation. When working well it becomes an expression of the needs of its employees and its customers. You need a wide enough base of experience to create genuine empathy. You need a safe enough place for those needs to be expressed. All work is interpersonal. It takes place in a social context. Only by managing that context can we meet the challenges we all face.

We've known this for a long time. Why, then, are unsafe, monocultural organisations the norm? Because doing otherwise is hard. It runs counter

to many of our instincts. It takes constant work to maintain an effective organisation. Doing that work, however, is the essence of leadership. It is the only way to meet the needs of a changing world.

You can find out more about innovation and change on the Meaningbit blog at <https://meaningbit.com/blog>

Summary

- Within a two-year period from its creation, the #MeToo movement gained massive public recognition, stimulated debates and discussions on the need for individuals and the organisations they represent to be held accountable for abuse of power, harassment and various forms of sexual misconduct and inappropriate behaviour in the workplace.
- The research project “#MeToo: how the social movement holds organisations and individuals accountable for the abuse of power in the workplace” by Dr Goncharenko reveals that the calls for accountability in #MeToo era are addressed by mobilising strategic and intellectual approaches. The strategic approach manifests in enforcing new regulatory norms, transparency and control mechanisms, such as the declaration of a zero-tolerance culture on sexual misconduct, the simplification, anonymization and enhancing the reporting of sexual misconduct and preventive instruments. The movement encourages the development of intellectual accountability by triggering and enforcing public discourse, boosting the importance of downward accountability and stimulating self-accountability and self-assessment.
- To turn the movement into further practical changes and initiatives, the #MeToo agenda has manifested in a variety of international and local campaigns and calls to actions.
- The #OverToYou Kitemark encourages East Sussex’s organisations to promote the work they undertake to tackle sexual harassment in the workplace. Survivors’ Network supports them by providing training for staff, managers and HR professionals and publicly manifesting their achievements.
- Sussex Police, is the world’s first HeForShe Thematic Champion in policing. Chief Constable Giles York committed to address gender imbalances at senior leadership level, tackle domestic and sexual abuse and deliver a national sign up to HeForShe for UK policing. As of 2019, all UK police forces were confirmed as having made their own commitments to HeForShe. The first annual report for gender equality in policing will be launched in November 2019 and present a global toolkit for all police forces in how to promote and boost gender equality.
- To ensure that all employees have knowledge of their rights together with encouragement and mechanisms to enforce them, access to legal information and expertise is essential for preventing sexual harassment in the workplace. Martin Searle Solicitors launched a legal advisory campaign in November 2019 and provides a free telephone advice line for employers and employees concerned about inappropriate conduct in the workplace.
- To satisfy the demands for effective accountability and reporting mechanisms of sexual misconduct in the workplace, the high-tech industry has come up with new solutions by interlinking psychological and behavioural research and technological expertise. A London-based technological startup, Vault Platform, designed a “TrustTech” end-to-end platform that includes the employee app, corporate case management hub and data analytics and helps to support a culture of trust, accountability and safety in organisations. This product empowers employees to speak up when they encounter misconduct, including harassment, bullying, discrimination, fraud, corruption and theft.
- Psychological safety of individuals needs to be at the centre of developing safe, inclusive and non-discriminatory working environments. The lack of psychological safety in organisations creates fear and a culture of bullying and mistrust. This prevents employees from being effective, creative and adaptive to challenges. People must be able to speak up and be heard in order for innovation to take place. The culture of effective innovation in organisations starts from securing psychological safety of employees, valuing human capital and creating a transparent culture for the balance of power, respect, empathy and non-tolerance of abusive behaviours.

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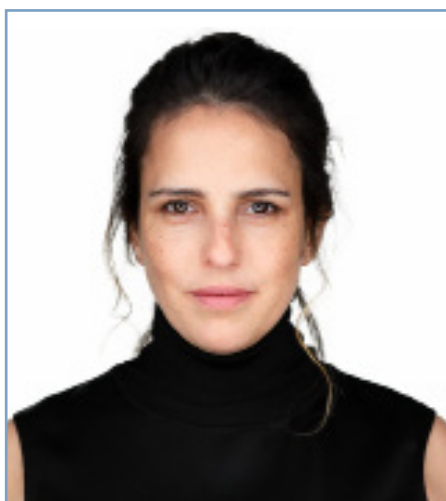
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